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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/960,258
Filing Date: September 21, 2001
Appellant(s): BAHL ET AL.

Robert G. Hartman
For Appellant

Supplemental EXAMINER'S ANSWER

This is in response to the appeal brief filed February 15, 2007 appealing from the Office action mailed March 21, 2006, and the Order Remanding to Examiner mailed 6/8/2009. This Examiner's Answer replaces the previous Examiner's Answer mailed 6/14/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. Claim 26 was listed as being rejected in the Final Office Action Summary mailed March 21, 2006, however there was no corresponding ground of rejection. To address this deficiency, the Examiner has included the following new ground of rejection:

NEW GROUND OF REJECTION

1. Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al (U.S. Patent No. 6,487,406).

As per claim 26, Chang et al disclose the limitations of independent claim 19 (as described in the rejection for claim 19) and further teach that each signal is broadcast periodically (**column 8, lines 19-23**).

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,487,406	Chang et al	11-2002
6,073,016	Hulthen et al	06-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5, 19-23, and 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al (U.S. Patent No. 6,487,406).

4. As per claim 1, Chang et al teach a method for broadcasting an announcement signal **(see at least column 5, lines 40-45; system information broadcast)**, comprising:

broadcasting a network identifier signal that uniquely identifies a computer network **(see at least column 5, lines 40-45; system information broadcast includes PCS area identification)**;

broadcasting an authorizer signal that identifies an authorizer network address on the computer network, the authorizer network address being associated with an authorizer that is configured to authorize mobile clients to utilize the computer network (**see at least column 5, lines 40-45; system information broadcast contains BS identification which provide wireless communication to mobile stations, also see column 1, lines 34-37**); and

broadcasting a verifier signal that identifies a verifier network address on the computer network, the verifier network address being associated with a verifier (**see at least column 4, lines 9-13, column 6, lines 16-18; BSC controls packet transfer using an MS-BS association table**) that is configured to verify data packets sent by mobile clients utilizing the computer network (**see at least column 5, line 60-column 6, line 5; MS detects it has moved by examining information contained in the system broadcast containing the address of the BS; the MS then sends a data-location-update message to the new BSC, BSC then updates the MS-BS association table**).

5. As per claim 2, Chang et al teach that each signal is broadcast periodically (**column 8, lines 19-23**).
6. As per claim 3, Chang et al teach a network identifier signal, the authorizer signal and the verifier signal are broadcast together in an announcer signal (**column 5, lines 40-60 and column 7, lines 7-17**).
7. As per claim 4, Chang et al teach the authorizer network address and the verifier network address are Internet Protocol (IP) addresses (**column 7, lines 7-17**).
8. As per claim 5, Chang et al teach the verifier is preferred verifier, and the method further comprises substituting a network address of an alternate verifier for the network address of the preferred verifier (**column 7, lines 18-47, column 1, lines 47-67, and column 8, lines 19-40**).

9. As per claim 19-23, these claims contain similar limitations as claims 1-5 above, therefore are rejected under the same rationale.

10. As per claim 38, Chang et al teach a system, comprising:

a network identifier **(see at least column 5, lines 40-45; system information broadcast includes PCS area identification);**

an authorizer identifier **(see at least column 5, lines 40-45; system information broadcast contains BS identification which provide wireless communication to mobile stations, also see column 1, lines 34-37);**

a verifier identifier **(BSC controls packet transfer using an MS-BS association table see at least column 5, line 60-column 6, line 18, column 4, lines 9-13; MS detects it has moved by examining information contained in the system broadcast containing the address of the BS; the MS then sends a data-location-update message to the new BSC, BSC then updates the MS-BS association table).**

a signal generator configured to generate a signal that communicates the network identifier, the authorizer identifier and the verifier identifier **(column 5, lines 40-55 and column 8, lines 40-55).**

11. As per claim 39, Chang et al teach a memory that stores the network identifier, the authorizer identifier and the verifier identifier **(column 7, lines 7-17 and column 14, lines 9-10).**

12. As per claim 40, Chang et al teach a receiver configured to accept the network identifier, the authorizer identifier and the verifier identifier as input data **(column 5, lines 40-50).**

NEW GROUND OF REJECTION

13. **Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al (U.S. Patent No. 6,487,406).**

As per claim 26, Chang et al disclose the limitations of independent claim 19 (as described in the rejection for claim 19) and further teach that each signal is broadcast periodically (column 8, lines 19-23).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 6-7 and 24-25 rejected under 35 U.S.C. 103(a) as being unpatentable over Chang et al (U.S. Patent No. 6,487,406) and Hulthen et al (U.S. Patent No. 6,073,016).

16. As per claim 6 Chang et al fails to teach determining if the preferred verifier has reached a load threshold.

17. However, Hulthen et al teach determining when a host computer that reaches a maximum number of sessions (**column 11, lines 5-10**). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of Chang et al and Hulthen et al because Hulthen et al's use of determining if a computer has reached a threshold in Chang et al's method would provide a load balancing feature for

detecting if verifiers have reached a maximum load and then substituting an alternate verifier address to redirect all other inquires to the new verifier.

18. As per claim 7, Hulthen et al teach fail to teach detecting a preferred verifier failure.

19. However, Hulthen et al teach determining when a host computer that reaches a maximum number of sessions (**column 11, lines 5-10**). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of Chang et al and Hulthen et al because Hulthen et al's use of determining if a computer has reached a threshold in Chang et al's method would provide a load balancing feature for detecting if verifiers have reached a maximum load and then substituting an alternate verifier address to redirect all other inquires to the new verifier.

20. As per claims 24-25, they contain similar limitations as claims 6-7 above, therefore are rejected under the same rationale.

(10) Response to Argument

- Argument A: In pages 12-14 of the Brief, Appellant argues that "*Chang et al registers mobile stations and does not authorize them*". Appellant has provided definitions for the terms "authorize" and "register" to show the difference between Chang et al and the claimed invention.

In response: Chang et al teaches a mobile IP architecture and methodology combining existing PCS structures with an IP network subsystem, which employs Mobile IP techniques for seamless mobile IP connectivity (see abstract, column 2, line 25-33). Chang et al's PCS network can be subdivided into separate PCS registration areas (see column 4, lines 29-45). It is well known and understood that *registration* involves the *registering* of users for a specific *privilege*. In PCS registration, it is well known and understood to one skilled in the art that users

that are *registered* are allowed access to a specific network or area. Although the term “authorize” is not explicitly recited, Chang et al does teach the authorization of users into a specific area or network. Chang et al teach the network requires users to be registered (see at least column 6, line 30-40, column 3, line 7-10). If it is detected that the user has moved to a different base station (BS), a determination is made on whether the BS belongs to a different PCS registration area and whether a PCS registration is required before communications through the new BS is permitted (see at least column 6, line 20-40, also column 5, line 60-column 6, line 40). Therefore, it is clear that the user needs to be a *registered* user before being allowed to communicate on the new BS, or in other words, needs to be an “authorized” user.

- Argument B: In pages 15-17 of the Brief, the Appellant argues that Chang et al *enables a network, not a mobile client, to know where to send packets* (page 15). Appellant further states that “*the Examiner failed to establish how Claim 1’s authorizer signal, which acts to enable a mobile client to know which address to send packets to a network*”, is disclosed by Chang et al (page 16).

In response: It is noted that the features upon which applicant relies (i.e., *the enabling of mobile client(s) to know where to send packets*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, the Appellants use of the term “acts to enable” in the argument is an indication that what is being argued is a “benefit” or an “advantage” that results from the claimed authorizer signal. This benefit or advantage is not recited in the rejected claims and therefore is not a claimed feature of the authorizer signal.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Conclusion

This examiner's answer contains a new ground of rejection set forth in section **(9)** above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) Reopen prosecution. Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) Maintain appeal. Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

Ramsey Refai

/Ramsey Refai/

Examiner, Art Unit 3627

The new ground of rejection set forth in section (9) above has been approved by the Technology Center Director.

/Wynn Coggins/

Director, Technology Center 3600

Conferees:

/F. Ryan Zeender/

Supervisory Patent Examiner, Art Unit 3627

Vincent Millin/vm/

Appeals Conference Specialist